

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-25 in the application. In previous responses, the Applicant amended Claims 1, 7-9, 15 and 18-20. In the present response, the Applicant has amended independent Claims 1 and 15. An additional search should not be required due to the amendment since Claims 1 and 15 have been amended to more clearly define “independently applying fuzzy logic rules.” No claims have been canceled or added in this response. Accordingly, Claims 1-25 are currently pending in the application.

I. Formal Matters and Comments

The Examiner asserts that the original specification does not support “independently” in the limitation “independently applying fuzzy logic rules.” (*See* Examiner’s Final Rejection, page 2.) The Applicants respectfully disagree. As stated in MPEP 2163 (I)(B), added claim limitations must be supported in the specification through express, implicit, or inherent disclosure. Though “independently” is not explicitly stated in the original specification, the original specification indicates that the fuzzy logic rules are to be applied to each value and that application of the rules is not dependent on a condition or value. For example, the Applicants direct the Examiner to paragraphs 35-36, 42 and Figures 2a to 2d of the original specification. However, in order to expedite prosecution, the Applicants have amended independent Claims 1 and 15 to more clearly define “independently applying fuzzy logic rules.”

II. Rejection of Claims 1-10 and 15-21 under 35 U.S.C. §103

The Examiner has rejected Claims 1-10 and 15-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,787,235 to Smith. The Applicants respectfully disagree since Smith does not teach or suggest applying each fuzzy logic rule of a plurality of fuzzy logic rules to each value of sets of fuzzified, dynamic values indicating network traffic flow as recited in amended independent Claims 1 and 15.

Smith relates to analyzing telephone systems and making predictions about the most likely design of a country's telephone network. Smith discloses a tool that assists in the evaluation of what functional level a switch occupies in a country's telephone network and produces a confidence measure associated with its prediction of the most likely design of the telephone network. (*See* column 1, lines 7-9.) Each switch in the network has geographic and physical characteristics and can be functioning at multiple levels. (*See* column 4, lines 22-21;5.) The tool applies fuzzy rules to fuzzy mapped values based on the geographic and physical characteristics of a switch when predicting the design of the telephone network. (*See* column 4, lines 35-43 Figure 4.)

The tool does not, however, apply **each** of the fuzzy rules to **each** of the fuzzy mapped values. Instead, each of the fuzzy rules are activated by the fuzzy mapped values. (*See* column 4, lines 41-43.) Smith, therefore, teaches to apply fuzzy rules to fuzzy values dependent on the fuzzy values. Thus, some of the fuzzy rules are not applied to each of the fuzzy mapped values. For example, in Figure 5 of Smith, rules 5, 6, 8 and 9 are applied to the fuzzy mapped values but all of the other rules are not applied. (*See* the "Inference" section under "Switch function 1" of Figure 5.) Accordingly, Smith neither teaches nor suggests applying each fuzzy logic rule of a plurality of

fuzzy logic rules to each value of sets of fuzzified values wherein the applying is independent of the values as recited in amended independent Claims 1 and 15.

Additionally, the tool of Smith does not apply the fuzzy rules to dynamic values indicating network traffic flow. Instead, the tool applies fuzzy rules to fuzzy mapped values that are based on the geographic and physical characteristics of a switch. (*See* column 4, lines 35-43.) The geographic and physical characteristics of a switch are not dynamic values and do not indicate network traffic flow. Instead, these are static characteristics that describe the position of the switch within the network and the configuration of the switch. (*See* column 1, lines 19-26.) The static values of Smith differ from the dynamic, time-dependent indicators of the present invention that are changing from one instant of time to another. (*See* paragraph 34 of the original specification.) Smith, therefore, does not teach or suggest applying fuzzy logic rules to fuzzified, dynamic values indicating network traffic flow as recited in independent Claims 1 and 15.

Therefore, Smith fails to teach or suggest applying each fuzzy logic rule of a plurality of fuzzy logic rules to each value of sets of fuzzified, dynamic values indicating network traffic flow wherein the applying is independent of the values as recited in independent Claims 1 and 15. Thus, for at least these reasons, Smith does not provide a *prima facie* case of obvious of independent Claims 1 and 15 and Claims dependent thereon. As such, Smith does not render Claims 1-10 and 15-21 unpatentable. Accordingly, the Applicant respectfully requests the Examiner withdraw the §103(a) rejection of Claims 1-10 and 15-21 and allow issuance thereof.

III. Rejection of Claims 11-14 and 22-25 under 35 U.S.C. §103

The Examiner rejected Claims 11-14 and 22-25 under 35 U.S.C. §103(a) as being unpatentable over Smith in view of U.S. Patent No. 5,939,925 to Shibata, *et al.* As discussed above, Smith does not teach or suggest applying each fuzzy logic rule of a plurality of fuzzy logic rules to each value of sets of fuzzified, dynamic values indicating network traffic flow wherein the applying is independent of the values as recited in amended independent Claims 1 and 15. Shibata is directed to providing a semiconductor operational circuit which is capable of conducting calculations with respect to analog vectors at high speed and with high accuracy. (See column 1, lines 59-63.) Shibata has been cited to teach the subject matter of dependent Claims 11-14 and 22-25 but has not been cited to teach or suggest applying each fuzzy logic rule of a plurality of fuzzy logic rules to dynamic values indicating network traffic flow. The cited combination, therefore, of Smith and Shibata does not provide a *prima facie* case of obviousness of amended independent Claims 1 and 15 and Claims 11-14 and 22-25 which depend thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103 rejection of dependent Claims 11-14 and 22-25 and allow issuance thereof.

IV. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-25.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC



J. Joel Justiss
Registration No. 48,981

Dated: July 25, 2006

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800